

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LOUETTA MALLARD, Individually and
BRUCE WELLS, A Minor, by and through
his Guardian ad Litem, LOUETTA
MALLARD,

No. C 04-1246 MMC

ORDER OF DISMISSAL

Plaintiffs,

v.

CITY OF CLEARLAKE, CALIFORNIA,
ROBERT MCDONALD, and DOES,

Defendants

The parties having advised the Court that they have agreed to a settlement of the above-titled action, and the Court having approved the compromise of the claim of minor Bruce Wells,

IT IS HEREBY ORDERED that said action be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for the settlement has not been delivered, the foregoing Order shall stand vacated and the action shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: July 11, 2005

/s/ Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge